

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

BRANDON MEYERS

CIVIL ACTION NO. 6:13-cv-00783

VERSUS

JUDGE HAIK

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION

MAGISTRATE JUDGE HANNA

JUDGMENT


This matter was referred to United States Magistrate Judge Patrick J. Hanna for Report and Recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

Accordingly, **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the Commissioner's decision is **REMANDED** to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g).¹ This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to (1) afford Mr. Meyers an opportunity to update the record by submitting his medical records for the time period from the date of the last hearing forward; (2) afford Mr. Meyers another hearing; (3)

¹ A fourth sentence remand constitutes a "final judgment" that triggers the filing period for an EAJA fee application. *Shalala v. Schaeffer*, 509 U.S. 292, 302 (1993); *Freeman v. Shalala*, 2 F.3d 552 (5th Cir. 1993).

thoroughly evaluate whether Mr. Meyers's cystic fibrosis meets or medically equals a listing, carefully considering both the respiratory aspect and the digestive aspect of the illness; (4) thoroughly evaluate whether Mr. Meyers's claimed mental impairments are severe; (5) thoroughly evaluate whether Mr. Meyers's cystic fibrosis and mental impairments collectively meet or medically equal a list; (6) thoroughly evaluate Mr. Meyers's residual functional capacity, (7) analyze whether a medical expert should be consulted in connection with evaluating Mr. Meyers's impairments, and (8) determine whether Mr. Meyers is disabled. The claimant shall be afforded the opportunity to submit additional evidence and to testify at a supplemental hearing.

Lafayette, Louisiana, this 8th day of August, 2014.


RICHARD T. HAIK
UNITED STATES DISTRICT JUDGE